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INFO RUCNMEM/EU MEMBER STATES COLLECTIVE IMMEDIATE  
RUCNNSG/NUCLEAR SUPPLIERS GROUP COLLECTIVE IMMEDIATE  
RUEHSA/AMEMBASSY PRETORIA IMMEDIATE 0225  
RUEHLA/AMCONSUL BARCELONA IMMEDIATE 3702

C O N F I D E N T I A L MADRID 001296

SIPDIS

PASS TO ROBIN DELABARRE OF ISN/NESS, ELAINE SAMSON AND  
STACIE ZERDECKI OF EUR/WE

E.O. 12958: DECL: 12/10/2018

TAGS: [KNNP](#) [MNUC](#) [PARM](#) [SP](#) [TRGY](#) [ENRG](#) [ETTC](#)

SUBJECT: SPAIN: CONTINUED RESERVATIONS RE CRITERIA-BASED  
NSG PROPOSAL

REF: A. SECSTATE 126581

[1](#)B. MADRID 1262

Classified By: DCM Arnold A. Chacon for reasons 1.4 (b) and (d)

[1](#)1. (C) POLOFF met on December 9 with Carlos Torres, Counselor for Nuclear Non-Proliferation and Disarmament in the MFA,s DG for Strategic Affairs & Terrorism, to discuss the revised Paragraphs 6 and 7 for the Nuclear Supplier Group's (NSG's) Guidelines for Transfers of Enrichment & Reprocessing Equipment and Technology, as discussed in REFTEL A. Torres and his boss, Gonzalo de Salazar, Sub-DG for Non-Proliferation and Disarmament, already had expressed to Embassy Madrid the GOS's objections to the revisions, as reported in REFTEL B. Correcting prior GOS mischaracterizations, POLOFF emphasized that the current draft was not a USG draft but was the result of intense multilateral negotiations and the best that the USG thought could be achieved as a consensus measure. Torres acknowledged this but noted that he understood that South Africa was still not inclined to support it. He also stated that the revisions to paragraph 6 "do not reflect the GOS position" and said that, Paragraph 7 was "conceptually even more difficult" for the GOS, because Madrid sees the current wording as impacting its rights. He said the GOS had been largely uninvolved in the negotiations that achieved the current draft text and said that there would have to be strong reasons for the GOS to support a change from the original to the revised draft.

[1](#)2. (C) On Paragraph 6, Torres said that the GOS is implementing the Additional Protocol in a very strict way and sees the revised wording that permits the creation of regional accords as an alternative way to achieve the same goal as "difficult to understand." He said the view in Spain is, "Why penalize those countries that are complying with the Additional Protocol?"

[1](#)3. (C) Regarding Paragraph 7, Torres said the GOS interpreted it as a "de facto renunciation" of numerous business opportunities involving nuclear technologies, a stance which could deny the GOS an opportunity to work with the USG and with US companies. He noted that Spain,s nuclear plants were all made with US nuclear technology. He described Paragraph 7 as "very limiting." Asked if there was a certain section of the paragraph that was particularly objectionable, he shook his head and indicated that the problem is with the entire paragraph.

[1](#)4. (C) At the same time, Torres offered his personal opinion that the GOS would still be able to "massage" the text with minor changes by December 12 into something the GOS could support. He remarked on the GOS need to develop a "flexible"

rather than "theoretical" position and that the GOS position might change. He offered his personal opinion that the Zapatero Administration's policy on disavowing nuclear energy once Spain's nuclear plants end their useful life is neither "realistic" nor "practical." In the particular case of the NSG revised draft paragraphs, he suggested that the GOS needed to adopt a "more realistic, more technical" policy. Torres said that he had a meeting on December 10 at the Spanish Ministry of Industry, Tourism, & Commerce in which he would discuss the GOS position on the issue, which POLOFF understood to be an effort to forge a position that Spanish industry would accept. He said the GOS will try to take a position that is "positive" and "constructive."

AGUIRRE